



"Making a Difference"

**2-1**  
**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**Tentative Notice of Action**

<b>MEETING DATE</b> <b>January 21, 2005</b> <b>LOCAL EFFECTIVE DATE</b> <b>February 4, 2005</b> <b>APPROX FINAL EFFECTIVE DATE</b> <b>February 25, 2005</b>	<b>CONTACT/PHONE</b> <b>James Caruso, Senior Planner</b> <b>(805) 781-5702</b> <b>jcaruso@co.slo.ca.us</b>	<b>APPLICANT</b> <b>Ernie and Marjorie Nolte</b>	<b>FILE NO.</b> <b>DRC2003-00122</b>
<b>SUBJECT</b> Request by Ernie and Marjorie Nolte to construct a single family dwelling consisting of two stories, 3501 sq ft, 575 sq ft garage, driveway and landscaping. The proposed project is located on the south side of San Luis Street, approximately 150 feet west of San Antonia Street in the community of Avila Beach in the San Luis Bay (Coastal) planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2003-00122 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The proposed project was found to be consistent with the Avila Beach Specific Plan EIR.			
<b>LAND USE CATEGORY</b> Residential Multifamily	<b>COMBINING DESIGNATION</b> Local Coastal Program	<b>ASSESSOR PARCEL NUMBER</b> 076-221-002	<b>SUPERVISOR DISTRICT(S)</b> ②
<b>PLANNING AREA STANDARDS:</b>  <p style="text-align: center;"><i>Does the project meet applicable Planning Area Standards: <b>Yes - see discussion</b></i></p>			
<b>LAND USE ORDINANCE STANDARDS:</b>  <p style="text-align: center;"><i>Does the project conform to the Land Use Ordinance Standards: <b>Yes - see discussion</b></i></p>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ Fax: (805) 781-1242</small>			

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EXISTING USES: Vacant	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multifamily/multifamily      East: Residential Multifamily/Vacant South: Residential Multifamily/multifamily      West: Residential Multifamily/Vacant (SFR approved)	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Avila Valley Community Advisory Group, Public Works, CDF, Avila Beach Community Services District, California Coastal Commission	
TOPOGRAPHY: Sloping from north to south	VEGETATION: Palm tree, grasses
PROPOSED SERVICES: Water supply: Avila Beach CSD Sewage Disposal: Avila Beach CSD Fire Protection: CDF/County Fire Dept	ACCEPTANCE DATE: November 9, 2004

## DISCUSSION

### Project Description

The proposed project includes the construction of a single family dwelling on a 7,834 sq ft vacant, certificated parcel in Avila Beach. Proposed development consists of a 3,3501 2-story home with a 575 sq ft garage, driveway and landscaping. Four existing trees are proposed to be removed. Maximum height of the structure is 25 feet measured from average natural grade.

## PLANNING AREA STANDARDS

### Avila Beach Specific Plan Standards

The Avila Beach Specific Plan has been adopted by the Board of Supervisors and the California Coastal Commission. The San Luis Bay Area Plan development standards are now reflected in the Specific Plan. The proposed project is located in the Residential Multifamily area. The proposed project must be found consistent with the Specific Plan standards applicable in this area.

**Density:** *The Specific Plan allows for a density in the RMF areas of 15 units/acre. Higher densities are allowed under certain circumstances. The subject project proposes a density of less than 15 units per acre and complies with the density requirements of the Specific Plan.*

**Setbacks:** *Front setback requirements shall be consistent with other parcels. This site is located on San Luis Street north of 1<sup>st</sup> Street. Adjacent development patterns are such that no consistent front setback is established. The proposed front setback of 25 feet is consistent with a recently approved project on an adjacent parcel.*

**Building Height:** *The Specific Plan allows building heights of 20 feet measured from average natural grade. Building heights of up to 25 feet are allowed under certain circumstances: 1) no*

*greater obstruction of public views and no greater limitation of solar access to adjacent properties would occur; 2) the building has a pitched roof with a slope greater than 2.5 in 12 and the additional height above 20 feet is used to achieve this pitch.*

The proposed project meets the requirements for a 25 foot height for all structures.

**Parking Requirements:** *Guest parking spaces are required at 0.25 spaces per dwelling unit. The proposed project provides for the parking spaces.*

**Oak Woodland Preservation:** *New construction shall not result in the removal of any native tree with a diameter at breast height greater than 6 inches; new construction must be set back five feet from the dripline of any native tree to be preserved; and no grading or construction activities may occur within the area defined by the dripline of any native tree to be preserved. Removal of a limited number of native trees may be permitted if it would not reduce the area of the canopy by more than 15%. Trees removed shall be replaced at a rate of four trees for every one removed. No oak trees on site will be removed. There is no oak woodland on the site, only isolated trees.*

The proposed plans are consistent with the Avila Beach Specific Plan.

#### **COASTAL PLAN POLICIES:**

Shoreline Access: ☒ N/A  
 Recreation and Visitor Serving: ☐ N/A  
 Energy and Industrial Development: ☒ N/A  
 Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A  
 Environmentally Sensitive Habitats: ☒ N/A  
 Agriculture: ☒ N/A  
 Public Works: ☒ N/A  
 Coastal Watersheds: ☒ N/A  
 Visual and Scenic Resources: ☒ N/A  
 Hazards: ☒ N/A  
 Archeology: ☒ N/A  
 Air Quality: ☒ N/A

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

**COMMUNITY ADVISORY GROUP COMMENTS:** The Avila Valley Advisory Committee and their Avila Beach sub committee recommend approval of the project and had these comments.

1. Swales to be used for drainage need to address erosion/sedimentation along the frontage.
2. Lighting to be directed downward.
3. Roof vents to be within the 25' height limit.
4. The subcommittee wished to see additional tree replacement.

Comment number 3 is not required of the project and has not been included in the proposed conditions.

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Hearing Officer  
Minor Use Permit No. DRC2003-00122/Nolte  
Page 4

**AGENCY REVIEW:**

Public Works- in file

CDF - in file

Avila Beach Community Services District - in file

California Coastal Commission - no comments received.

**Legal Lot:** A certificate of compliance has been issued for this parcel.

Staff report prepared by James Caruso

**EXHIBIT A - FINDINGS**  
**Nolte DRC2003-00122**

**CEQA**

- A. Pursuant to Section 15183 of the CEQA Guidelines, the proposed project has been found to be consistent with the development density adopted in the Avila Beach Specific Plan for which a Final EIR was certified by the Board of Supervisors on April 11, 2000. There are no project-specific significant effects which are peculiar to the project or its site. Furthermore, the mitigation measures identified in the certified Final EIR prepared for the Specific Plan shall be implemented for this project as applicable.

**Minor Use Permit**

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed single family dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on San Luis St, a collector, constructed to a level able to handle any additional traffic associated with the project

**Coastal Access**

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

**EXHIBIT B - CONDITIONS OF APPROVAL**  
**Nolte DRC2003-00122**

**Approved Development**

1. This Minor Use Permit authorizes construction of a 3,350 2-story home with a 575 sq ft garage, driveway and landscaping. Four existing trees are proposed to be removed. Maximum height of the structure is 25 feet measured from average natural grade.
2. This approval authorizes development in compliance with the Avila Beach Specific Plan.

**Site Development**

3. Site development shall be consistent with the approved site plan, floor plans and elevations. Colors and materials shall be substantially similar to the colors and materials identified by the applicant and on file with the Dept. of Planning and Building.

**Building Height**

4. Building height shall not exceed 25 feet above average natural grade.

**Avila Beach Specific Plan**

5. The final design of the structure shall be consistent with the Avila Beach Specific Plan.

**Fire Safety Plan**

6. **Prior to issuance of a construction permit**, the applicant shall provide proof of compliance with an approved safety plan from the County Fire Dept. including installation of a quick response residential fire sprinkler system as required by CDF.

**Water and Sewer Service**

7. **Prior to the issuance of a construction permit**, the applicant shall submit a will-serve letter from the Avila Beach CSD for water and sewer service.

**Undergrounding of Utilities**

8. All utilities shall be located underground.

**Drainage**

9. **Prior to issuance of a construction permit**, the applicant shall submit a drainage plan to the County Engineer for review and approval. The plan shall incorporate Best Management Practices to handle the runoff from the site in compliance with the San Luis Bay (Coastal) Planning Area requirements.

### **Architecture**

10. **At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval. The elevations shall show exterior finish materials, colors, and height above the existing average natural ground surface and shall be consistent with the requirements of the Specific Plan and this approval.

### **Landscaping**

11. **At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance.

### **Miscellaneous**

12. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
13. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
14. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050.

### **Sight Distance**

15. **Prior to issuance of a construction permit**, frontage improvements shall be approved by the Dept of public Works that comply with the requirements of the Avila Beach Specific Plan.

### **Cultural Resources**

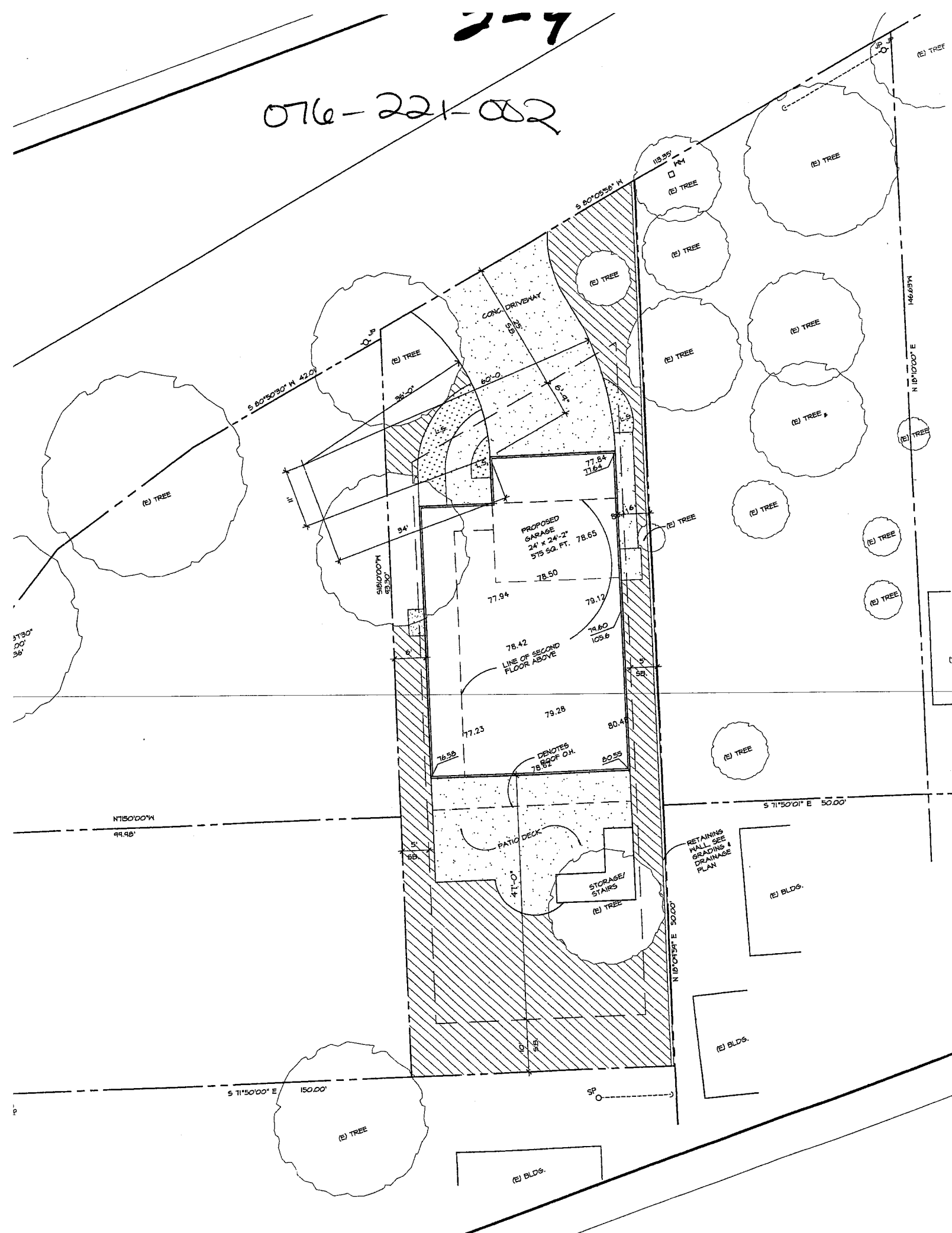
16. Prior to issuance of a grading permit, the applicant shall retain a qualified archaeologist, approved by the County, to monitor earth moving activities. If significant historic and/or prehistoric resources are encountered, the project archaeologist shall record, collect and analyze those materials. A final report shall be prepared and submitted to the Dept prior to final inspection.

### **Lighting**

17. Lighting on the site shall be directed downward and shall be placed so that lighting fixtures do not result in glare off of the site.



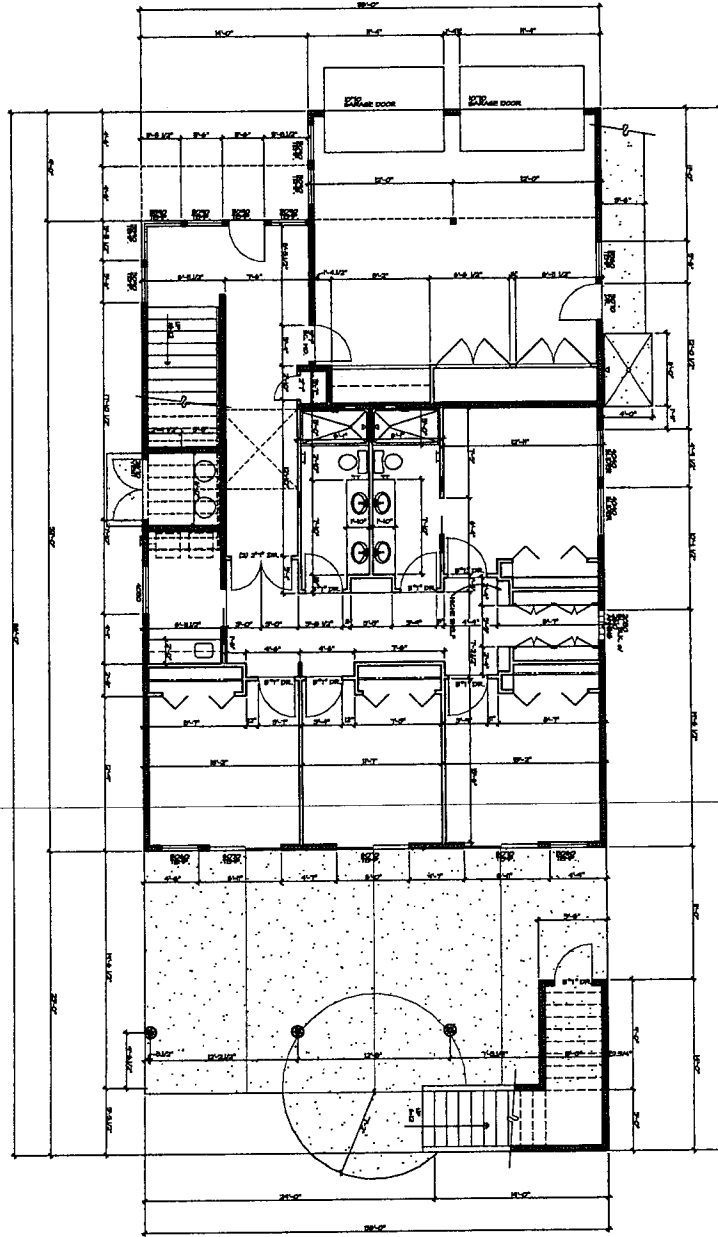
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2-10

PLOT DATE: 5-18-04 PLOT BWD: 11.33 AM PLOT SCALE: 1/8" = 1'-0" PANYANALP: VANDY/NOLTE RESIDENCE/DRINKS/102 FIRST FLOOR ON PLAN.402

**DIMENSIONED FIRST FLOOR PLAN**



A-02



**DIMENSIONED  
FIRST FLOOR PLAN**

**NOLTE RESIDENCE**  
AVILA BEACH, CA

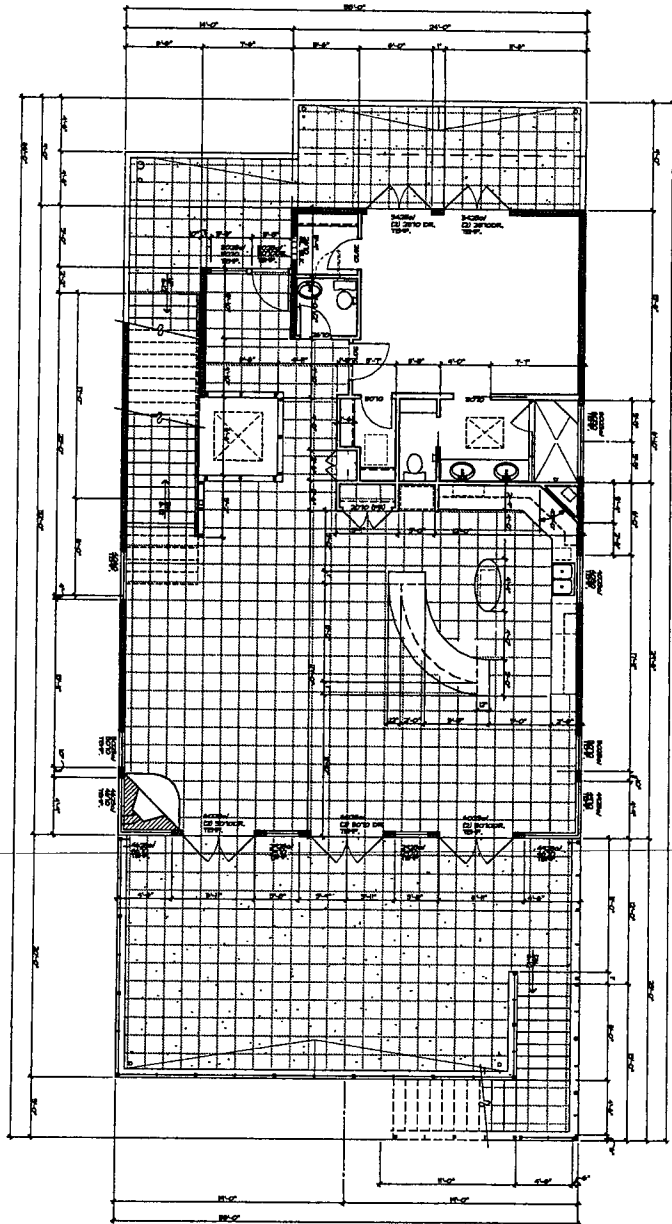
**MICHAEL CAREY AIA/MCRP**  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
1000 P STREET, STE. B • AVILA BEACH, CALIFORNIA 93426  
TEL 805-461-1000 FAX 805-461-1000 WWW.MICHAELCAREYARCHITECT.COM

REVISIONS BY

2-11

PLOT DATE: 5-19-04 PLOT TIME: 11:48 AM PLOT SCALE: 1/8" = 1'-0" PATHNAME: P:\VARI\NOLTE RESIDENCE\DRAWINGS\2D SECOND FLOOR DW PLAN.dwg

**DIMENSIONED SECOND FLOOR PLAN**



A-03



**DIMENSIONED  
SECOND FLOOR PLAN**

**NOLTE RESIDENCE  
AVIA BEACH, CA**

**MICHAEL KAREY AIA/ACFP**  
ARCHITECTURE PLANNING URBAN FUTURE  
724 P STREET, STE B FRESNO, CALIFORNIA 93707-1078  
TEL: 559-486-1000 FAX: 559-486-1001 WWW.MKARCHITECT.COM

REVISIONS





PLOT DATE: 5-18-06 PLOT TIME: 11:54 AM PLOT SCALE: 1/16" = 1'-0" PATH\NAME:P:\CARBY\VOLTE RESIDENCE\DRAWINGS\A07 EXT ELEV.dwg



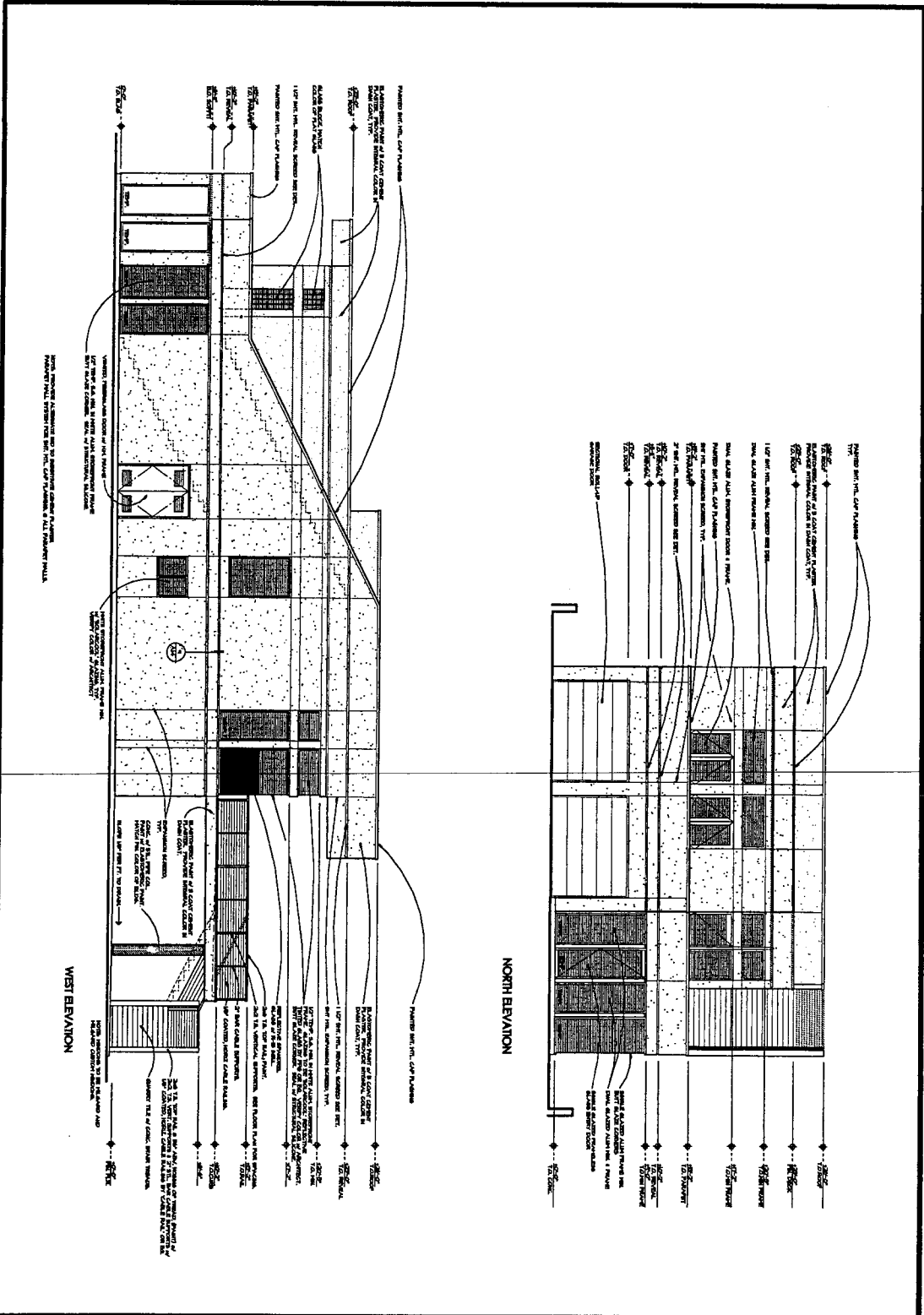
**NOLTE RESIDENCE**  
AVILA BEACH, CA

**MICHAEL KARBAY AIA/MCRP**  
ARCHITECTURE • PLANNING • URBAN FUTURES  
734 F STREET, STE 300 PLEASANTON, CALIFORNIA 94566-1726  
FAX 925-455-4205 DAY-LIST 925-455-5555 PLEASANTON 925-455-4205  
[WWW.KARBAYARCHITECT.COM](http://WWW.KARBAYARCHITECT.COM)

REVISIONS	BY
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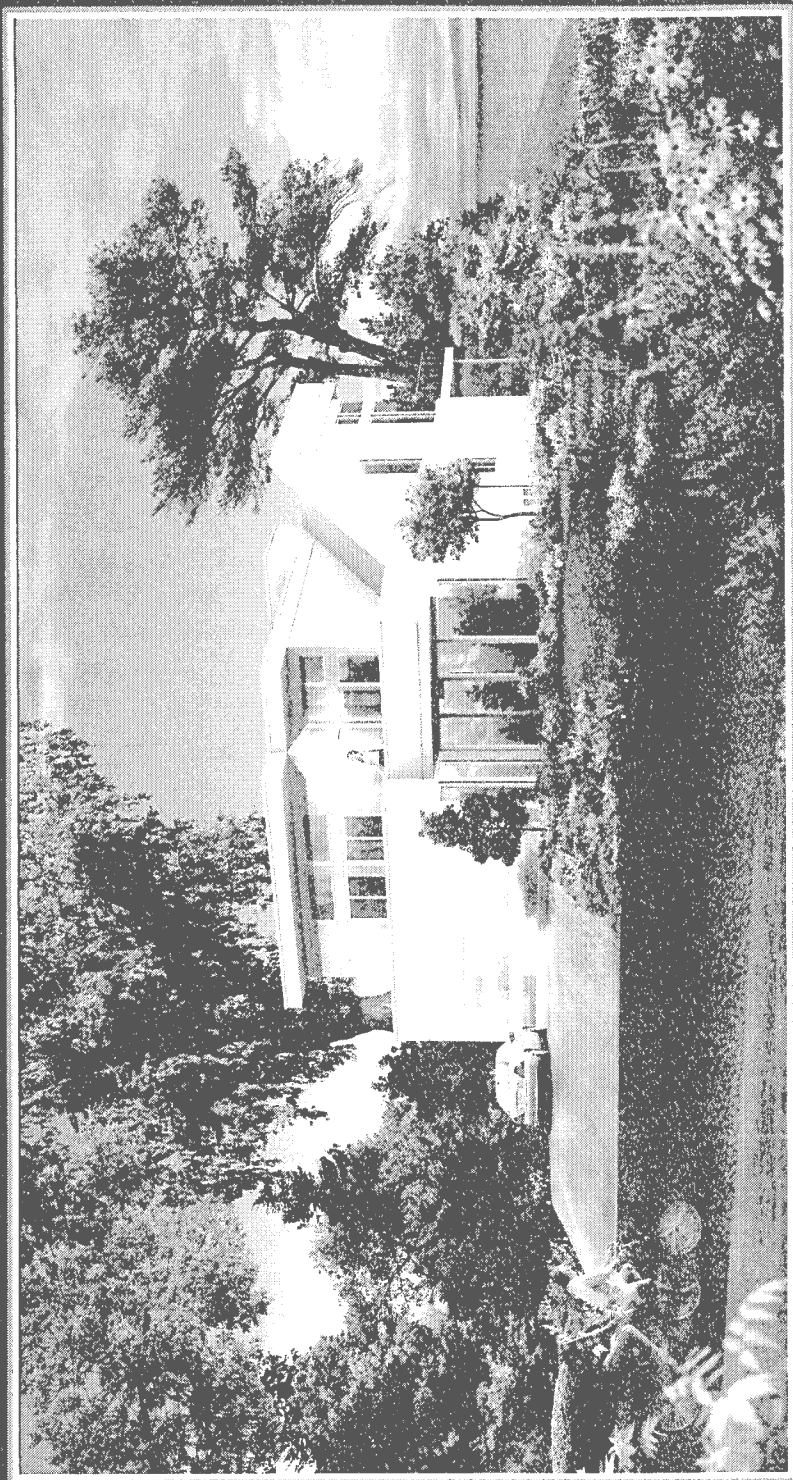
2-15

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A-08

2-16



N O L T E R E S I D E N C E

2-17

10



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

**received**  
5-24-04

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

5/20/04

TO:

Avila CSD

FROM:

Coastal Team

(Please direct response to the above)

Nolte

DRC2003-00122

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

3501 Sq. Ft. SFR w/ 575 Sq. Ft.  
garage & 123 Sq. Ft. storage room. Off of  
San Luis St. in Avila.

Return this letter with your comments attached no later than:

6/3/2004

**PART I**

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES

(Please go on to Part II)

NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

**PART II**

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO

(Please go on to Part III)

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

**PART III**

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

**Project Referral Conditions Response**

Project # DRC 2003-00122 Nolte  
Single Family Development  
San Luis Street, Avila Beach

This project will need to apply for water and sewer service from the Avila Beach CSD. The project will require a Preliminary Will Serve as well as a Final Will Serve and must meet all other conditions of approval in accordance with the District's ordinances and standards. For any questions to the District please contact Administrative staff at 595-2664.

5-25-04

Date

John L. Wallace, General Manager  
District Representative

595-2664  
Phone



2-18 10 Rn  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

JC

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

5/20/04

FROM

PW

FROM

Coastal Team  
(Please direct response to the above)

Noite

DRC2003-00122

Project Name and Number

Development Review Section (Phone: 781-788-2009 Tanyr)

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6/3/2004

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☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

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Recommend Approval — IF NEEDED SAN LUIS ST WIDEN TO COMPLETE THE ROAD SECTION SPECIFIED IN THE AVILA SPECIFIC PLAN. DRIVEWAY TO COMPLY WITH CO STD INCLUDING BUT NOT LIMITED TO STD A-11 (SIGHT DISTANCE) AND ENCROACHMENT PERMIT WILL BE REQUIRED, TREE REMOVAL MAY BE REQUIRED.

24 JUNE 2004  
Date

Goodwin  
Name

5252  
Phone